

Automated License Plate Readers (ALPRs)

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

432.2 ADMINISTRATION OF ALPR DATA

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Los Gatos/Monte Sereno Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Support Services Division Lieutenant. The Support Services Division Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

432.2.1 ALPR ADMINISTRATOR

The Support Services Division Lieutenant shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

432.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

432.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of law enforcement and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained may be used and shared with prosecutors or others only as permitted bylaw. Data contained in the South Bay Information Sharing System (SBISS) and Northern California Intelligence Center (NCRIC) servers is for law enforcement investigatory files. As such, the data is not subject to disclosure pursuant to Government Code 6254(f).

Data collected by the ALPR units is uploaded to the SBISS and NCRIC servers. All ALPR uploaded information to the SBISS and NCRIC servers are stored for a minimum of one year (Government Code § 34090.6), unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be obtained from the host SBISS and NCRIC agency servers, made available to this agency, and downloaded onto portable media and booked into evidence.

The Support Services Lieutenant is responsible to ensure proper collection and retention of ALPR data.

432.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Los Gatos/Monte Sereno Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.
- (d) ALPR system audits on the SBISS and NCRIC system are conducted by a senior SBISS and NCRIC official other than the person assigned to manage the ALPR function:
 - 1. Name of the law enforcement user
 - 2. Agency of the law enforcement user
 - 3. Date and time of the access
 - 4. Activities executed
 - 5. License plate(s) searched
 - 6. Justification of the search
 - 7. Associated agency case number

Audit reports from SBISS will be provided periodically and on request to supervisory personnel at the SBISS host and partner agencies. Audit reports from NCRIC will be reported to the Director of NCRIC.

All security or data breaches, will be reported to the user's parent agency.

432.6 RELEASING ALPR DATA

The ALPR data may be shared or disseminated only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for discovery of the ALPR data evidence that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by a Division Lieutenant or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

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432.7 TRAINING

The Support Services Lieutenant or designated training manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).